IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5745 OF 2005

M/s. Dnyansadhan Sanstha . .. Petitioner.

vs.

The State of Maharashtra

& Ors. .. Respondents.

Mr. M.Y. Sanglikar i/by Manish Upadhye &

Devidas Botkondale for petitioner.

Mr. A.H. Palekar, AGP for respondent nos.1 to 3.

Mr. R.S. Apte with A.A. Garge for Respondent No. 4.

CORAM : S.U. KAMDAR, J.

DATE : 1st December, 2005.

P.C.:

. By the present petition, the impugned order dated 21.6.2005 is challenged by which the appeal of the society against the order of the Commissioner dated 11.3.2005 cancelling the permission of Ashram Shala of the school is confirmed. The impugned order points out that there has been absolutely no facility whatsoever in running the Ashram school. In para 6 of the said order the details are set out and it has been pointed out that there is no land of

the Ashram School. There is no building and/or any facility for running a school. However, since in view of the fact that the aforesaid order was challenged before this Court and by an order dated 19.9.,2005 this Court appointed a Court Commissioner. The Court Commissioner has submitted a report dated 17.10.2005 in which it has been inter alia mentioned that the so-called Ashram School is of 8 rooms and two of the rooms are fully collapsed and are roofless. The windows are having no window pens. There is a water tank in the school which is full of debris. All toilet blocs have no doors and are surrounded by grass of 3 ft. height. There is no school of Ashram Shala. There is no documents produced by the petitioner. There are no record of running of the schools. There is no record of any teachers or students. The report of the Court Commissioner indicates that there is no school existing at all. However, the learned counsel for the petitioner contends that the said state of affair is going on for the last three years since grant is not given. In my opinion, there is no school at all running and, therefore, the impugned order passed by the authority is correct and legal. The petitioner cannot obtain grant without running a school. There is no basic school existing in the said premises which is the finding as per the report of the Court Commissioner. In that view of the matter, I do not find any reason to interfere with

the impugned order under Article 227 of the Constitution of India. Petition is accordingly dismissed. No order as to costs. All interim orders stand vacated.